

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

STATE OF WISCONSIN,

Plaintiff,

ORDER

v.

05-cv-632-bbc

HO-CHUNK NATION,

Defendant.

---

Before the court is defendant Ho-Chunk Nation's motion to stay proceedings in this court while its petition for a writ of *certiorari* is pending before the United States Supreme Court. See dkt #138. Plaintiff, State of Wisconsin, strongly opposes this motion. See dkt. #139. Having carefully considered both sides' submissions and arguments, I am denying the motion. On this particular dispute, the State has a better argument: it is unlikely that the Supreme Court will grant *certiorari* and less likely that the Supreme Court will reverse the Seventh Circuit's decision on interlocutory appeal; the Nation will not suffer irreparable harm if this court acts on its mandate from the Seventh Circuit; there is potentially great harm to the State by delaying resolution of this matter even further; and, no public interest is served by delaying this case any longer than necessary. Therefore, this court declines to stay its decision on the pending summary judgment motion.

Entered this 6<sup>th</sup> day of June, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge